

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

CHRISTIE SCARBOROUGH,)	
)	
Plaintiff,)	Case No. 5:23-cv-008
)	
v.)	By: Michael F. Urbanski
)	Chief United States District Judge
MARY DANIEL, et al.,)	
)	
Defendants.)	

ORDER

Plaintiff Christie Scarborough, proceeding pro se, brings this action against Mary Daniel, 26th Judicial District General District Court Judge, Nicholas Hager, 26th Judicial District Magistrate, and Frederick County, Virginia, for civil rights violations under 42 U.S.C. § 1983 and for retaliation in violation of Virginia state law. Compl., ECF No. 1. The claims stem from state court proceedings against Scarborough, during which Judge Daniel issued a preliminary protective order and Magistrate Hager issued an arrest warrant for Scarborough's violation of the protective order. Id. On March 2, 2023, Frederick County filed a motion to dismiss for failure to state a claim, ECF No. 4, and, on March 7, 2023, Judge Daniel and Magistrate Hager filed a motion to dismiss for failure to state a claim and for lack of subject matter jurisdiction based on judicial immunity, ECF No. 8.

The court referred defendants' motions to dismiss to the Honorable Joel C. Hoppe, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B), for proposed findings of fact, conclusions of law, and a recommended disposition. Referral Order, ECF No. 15. The parties fully briefed the motions, and Judge Hoppe heard oral argument on July 14, 2023.

Judge Hoppe submitted a Report and Recommendation to the court on August 11, 2023, recommending that the court **GRANT** defendants' motions to dismiss for failure to state a claim and **DISMISS** the claims against all defendants with prejudice. R&R, ECF No. 20, at 13. No objections to the Report and Recommendation have been filed.

The court is of the opinion that the Report and Recommendation should be adopted in its entirety. Accordingly, it is hereby **ORDERED** and **ADJUDGED** that:

1. The Report and Recommendation, ECF No. 20, is **ADOPTED in its entirety**.
2. Frederick County's Motion to Dismiss, ECF No. 4, and Judge Daniel's and Magistrate Hager's Motion to Dismiss, ECF No. 8, are **GRANTED**.
3. Scarborough's complaint, ECF No. 1, is **DISMISSED with prejudice**.

The clerk is directed to strike this case from the active docket and to send a copy of this order to the pro se plaintiff and to counsel for defendants.

It is **SO ORDERED**.

Entered: October 31, 2023



Digitally signed by
Michael F. Urbanski
Chief U.S. District Judge
Date: 2023.10.31 15:11:49
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Michael F. Urbanski
Chief United States District Judge